



HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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January 30, 2023

**VIA ECF**

Hon. Stewart D. Aaron  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Emmett Caldwell v. City of New York et al.*, 21-CV-6560 (LJL)(SDA)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Corporation Counsel Hon. Sylvia O. Hinds-Radix, attorney for the City of New York and New York City Board of Education (“Defendants”) in the above-referenced matter. For the reasons set forth below, Defendants write to respectfully request that the Court issue an Order directing Plaintiff to appear for a deposition, or in the alternative, schedule a conference with the parties.

On January 10, 2023, the undersigned submitted a letter on behalf of the parties to inform the Court of the status of discovery in this case. In the letter, the undersigned informed the Court that Defendants are attempting to schedule Plaintiff’s deposition and that his deposition, via videoconferencing, was tentatively scheduled for February 6, 2023.

Subsequently, the parties agreed to hold Plaintiff’s deposition on January 30, 2023. However, attempts to confirm with Plaintiff his appearance for the deposition as scheduled, have failed. Instead, Plaintiff has made several allegations about my conduct, but most relevant to this letter, he has stated that he will not engage in further discussions with me or any case-related proceedings at this time. Further, Plaintiff appears to have issues with my representation of Defendants. Plaintiff has sent several emails demanding that this case be re-assigned to another counsel. Plaintiff also recently sent me a letter addressed to the Court seeking to have another lawyer appointed for Defendants (to my knowledge, this letter was not filed or sent to the Court).

Among other things, it seems that Plaintiff is under the mistaken belief that this case has been stayed by the Court, beginning in January 2023. The undersigned informed Plaintiff that the parties' request to stay the proceeding, made in November 2022, was denied and that fact discovery is scheduled to close on February 7, 2023. (Docket Entry Nos. 57-58). Plaintiff's position remains the same.

Defendants will be prejudiced if we are unable to conduct Plaintiff's deposition, and thus respectfully request that the Court issue an Order directing Plaintiff to appear for a deposition. In the alternative, it is respectfully requested that the Court schedule a conference to discuss the remaining discovery with the parties.

Defendants thank the Court for its consideration in this matter.

Respectfully,

/s/ Shlomit Aroubas

Shlomit Aroubas  
Assistant Corporation Counsel

cc: Emmett Caldwell  
Plaintiff *pro se*  
(via email)

ENDORSEMENT: Plaintiff shall respond to this letter  
(ECF No. 67) no later than February 1, 2023, at 5 p.m.  
SO ORDERED.

Dated: January 30, 2023

A handwritten signature in blue ink, appearing to read "Emmett D. Caldwell".